

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STEVEN PASSANANTE, et al.,)	CASE NO.
)	
Plaintiffs,)	JUDGE
)	
vs.)	
)	
EURO-PRO OPERATING LLC, <i>et. al.</i> ,)	NOTICE OF REMOVAL ACTION UNDER
)	28 U.S.C. § 1441
Defendants.)	
)	
)	
)	

TO THE CLERK OF COURT:

PLEASE TAKE NOTICE that Defendant Target Corporation hereby moves this Court, pursuant to 28 U.S.C. § 1441(a), to exercise diversity jurisdiction and remove the state court action described below:

1. On May 9, 2014, Steven Passanante and Jo Ellen Passanante (“Plaintiffs”) filed a Complaint initiating suit in the Court of Common Pleas, Lucas County, Ohio against Euro-Pro Operating LLC, Euro-Pro Sales Company, Target Corporation and John Doe Manufacturer and Supplier, captioned *Steven Passanante, et al. v. Euro-Pro Operating LLC, et al.*, Case No. G-4801-CI-0201402418-000 (a copy of the Complaint is attached as **Exhibit A**).

2. The Complaint was served on Defendant Target Corporation by the Lucas County Court of Common Pleas Clerk of Courts via certified mail on May 16, 2014 (a copy of the Lucas County docket is attached as **Exhibit B**).

3. Defendants Euro-Pro Operating LLC and Euro-Pro Sales Company consent to removal of this action. Further, as explained below, there is complete diversity of citizenship

between the Plaintiff and the Defendants to this action, and the amount in controversy in this action exceeds the \$75,000.00 jurisdictional minimum.

I. THIS REMOVAL NOTICE IS TIMELY

4. The docket in the Lucas County Court of Common Pleas reflects that the Lucas County Clerk sent all Defendants the Summons and Complaint on May 12, 2014. The Complaint was served upon Defendants Euro-Pro Sales Company and Target Corporation on May 16, 2014 and Defendant Euro-Pro Operating LLC on May 19, 2014.

5. Pursuant to 28 U.S.C. § 1446(b), “[the] notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading.”

6. As this Notice is being filed on June 12, 2014, Defendants’ Notice of Removal is timely.

II. THERE IS COMPLETE DIVERSITY BETWEEN THE PARTIES

7. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is an action which may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(a).

8. The Complaint shows Plaintiff resides at 118 Sandbury, Holland, Ohio 43528 and is therefore a resident of the State of Ohio. (Compl. ¶1).

9. Defendants Euro-Pro Operating LLC and Euro-Pro Sales Company are corporations organized under the laws of the State of Delaware with their principal place of business in Newton, Massachusetts. (Compl. ¶2).

10. Defendant Target Corporation is a corporation organized under the laws of the State of Minnesota with its principal place of business in Minneapolis, Minnesota. (Compl. ¶4).

11. The allegations contained in Plaintiffs' Complaint, coupled with the available facts surrounding Plaintiffs' claims, demonstrate that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

12. Plaintiffs' Complaint is for personal injuries he allegedly suffered. (Compl. ¶¶ 14, 15).

12. Plaintiff Steven Passanante claims that, as a result of the incident, he sustained damages believed to be an amount in the amount of \$250,000.00. (Compl. ¶30).

13. From a reasonable reading of Plaintiffs' Complaint, which alleges personal injury and damages cited above, it is facially apparent from the Complaint that the amount in controversy is in excess of \$75,000.00.

14. Therefore, as there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.00, this Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332(a).

III. THE OTHER REMOVAL PREREQUISITES HAVE BEEN SATISFIED

15. Defendants have sought no similar relief with respect to this matter.

16. Written notice of the filing of this Notice of Removal will be given to all adverse parties as required by 28 U.S.C. §1446(b).

17. As required by 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendants in the state court proceedings, which consist of the Complaint and Summons, are filed here as **Exhibits A and B**.

18. The allegations of this Notice are true and correct, and this cause is within the jurisdiction of the United States District Court for the Northern District of Ohio, Western Division.

WHEREFORE, Defendant Target Corporation with the consent of Defendants Euro-Pro Operating LLC and Euro-Pro Sales Company respectfully request that this action be transferred to the United States District Court for the Northern District of Ohio, Western Division, and pray that this Court assume full and complete jurisdiction over this matter as an action properly removed.

Respectfully submitted,

/s/ Timothy T. Reid

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CERTIFICATE OF SERVICE

This document has been filed electronically with the Court this 12th day of June, 2014. Notice of the following will be sent to all counsel through the Court's electronic filing system. The parties can access this document through the Court's system.

A copy of the foregoing was also mailed this 12th day of June, 2014 via regular U.S. mail to the following:

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